

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Mina De Oro, LLC, and The Toy Chest, LLC,

Case No. 2:20-cv-00994-CDS-VCF

Plaintiffs

V.

Jobediah Sinclair Weeks, et al.,

Order Dismissing Two Defendants for Failure to Serve

Defendants

In October 2022, I ordered the plaintiffs to file proof of service as to defendants Silviu Catalin Balaci and Bitclub. ECF No. 40. I explained that my “order constitute[d] notice that this action may be dismissed without prejudice as to those two parties unless the plaintiffs file proof of service with the clerk by November 18, 2022.” *Id.* at 2. Since then, the plaintiffs have not provided proof of service or demonstrated good cause as to why Balaci and Bitclub could not be served within the timeframe specified in Federal Rule of Civil Procedure 4(m).

17 Rule 4(m) requires that “[i]f a defendant is not served within 90 days after the complaint
18 is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action
19 without prejudice against that defendant or order that service be made within a specified time.”
20 Fed. R. Civ. P. 4(m). The plaintiffs filed their initial complaint on June 3, 2020. ECF No. 1. And
21 they filed an amended complaint on April 18, 2022. ECF No. 33. The 90-day deadline in Rule
22 4(m) has long passed, and despite being on notice that I would dismiss these two defendants
23 without proof of service, the plaintiffs have not taken action.

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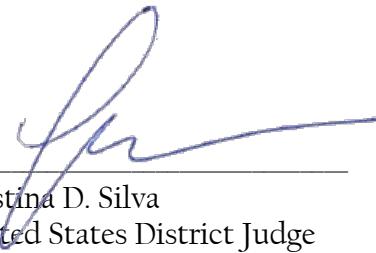
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1 IT IS THEREFORE ORDERED that defendants Balaci and Bitclub are dismissed from
2 this action without prejudice.

3 DATED: March 8, 2023

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Cristina D. Silva
United States District Judge